

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

KIA CHEVALIER,

Plaintiff,

vs.

RAY & JOAN KROC CORPS.
COMMUNITY CENTER, SALVATION
ARMY RAILTON PLACE, 242 TURK
STREET (SF), 94102-3808,

Defendants.

Case No: C 11-4891 SBA

**ORDER DENYING MOTION
FOR DEFAULT JUDGMENT**

Docket 29.

The parties are presently before the Court on pro se Plaintiff Kia Chevalier's ("Plaintiff") motion for default judgment, which requests that the Court enter a default judgment against Defendants Railton Place and Ray & Joan Kroc Corporation. Dkt. 29. Defendant The Salvation Army opposes the motion. Dkt. 32. Having read and considered the papers filed in connection with this matter and being fully informed, the Court hereby DENIES the motion. A review of the Court's docket reveals that Plaintiff has not sought entry of default against Railton Place or Ray & Joan Kroc Corporation under Rule 55(a) of the Federal Rules of Civil Procedure. Accordingly, because the clerk of the Court must enter default before a party can move for default judgment, Plaintiff's motion is DENIED. See Fed.R.Civ.P. 55(a)-(b) (describing the two-step process of "Entering a Default" and "Entering a Default Judgment"); see Eitel v. McCool, 782 F.2d 1470, 1471 (9th Cir. 1986) (Rule 55 requires a two-step process for the entry of a default judgment).

IT IS SO ORDERED

Dated: 8/9/12

SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 CHEVALIER et al,

5
6 Plaintiff,

7 v.

8 RAY & JOAN KROC CORPS. COMMUNITY
9 CENTER et al,

10 Defendant.
11 _____/

12 Case Number: CV11-04891 SBA

13 **CERTIFICATE OF SERVICE**

14
15 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
16 Court, Northern District of California.

17 That on August 14, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said
18 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
19 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
20 located in the Clerk's office.

21 Kia Chevalier
22 Post Office Box 55641
23 Hayward, CA 94545-0641

24 Dated: August 14, 2012

25 Richard W. Wieking, Clerk
26 By: Lisa Clark, Deputy Clerk
27
28